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PATENT  
ATTORNEY DOCKET NO. DIVER1230-1  
(09010/045001)

**RESPONSE UNDER 37 C.F.R. § 1.116**  
**EXPEDITED PROCEDURE**  
**EXAMINING GROUP 1652**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mathur, et al.  
Serial No.: 09/202,681  
Filed: December 23, 1999  
Title: THERMOSTABLE PHOSPHATASES

Art Unit: 1652  
Examiner: R. Hutson

**BOX AF**  
Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
JAN 25 2002  
TECH CENTER 1600/2900

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-identified application, please find:

1. Notice of Appeal (2 pages);
2. Petition for One (1) Month Extension of Time (2 pages); and
3. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>December 14, 2001</b> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<b>Cecilia Tobin</b> (Name of Person Mailing Paper)	
<i>Cecilia Tobin</i> (Signature)	<b>December 14, 2001</b> (Date)

PATENT  
ATTORNEY DOCKET NO. DIVER1230-1  
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Page 2

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The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Large Entity Rate	Small Entity Rate	Calculations
Total Claims	<b>12</b>	20	<b>0</b>	x \$18	x \$09	\$ .00
Independent Claims	<b>4</b>	4	<b>0</b>	x \$84	x \$42	\$ .00
Multiple Claims				\$280	\$140	\$ .00
Basic Filing Fee				\$740	\$370	\$ .00
					TOTAL FEE	\$ .00

The Commissioner is hereby authorized to charge a total amount of \$215.00; which consists of \$160.00 for the Notice of Appeal fee; and \$55.00 for the One (1) Month Extension of Time, and any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is attached.

Respectfully submitted,

Date: **December 14, 2001**



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

**USPTO Customer Number 28213**

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133

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104703-159194



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01/23/02

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:  
DIVER1230-1

RECEIVED

JAN 25 2002

... DIVER 1600/2900

In re Application of: Mathur, et al.	
Application No: 09/202,681	Filed: December 23, 1999
For: THERMOSTABLE PHOSPHATASES	
Group Art Unit: 1652	Examiner: R. Hutson

Applicants hereby appeal to the Board of Appeals from the decision transmitted via facsimile on October 16, 2001 of the Examiner rejecting claims 1-11.

1.	<input checked="" type="checkbox"/>	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$320.00
	<input checked="" type="checkbox"/>	small entity	\$160.00

2.	X	A petition and fee for an extension of time for reply to the rejection is attached.							
X	Extension Fee (37 C.F.R. 1.17(a))								
		other than small entity							
		\$110.00		\$400.00		\$920.00		\$1,440.00	
	X	small entity							
		X	\$55.00		\$200.00		\$460.00		\$720.00

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ATTORNEY DOCKET NO. DIVER1230-1  
(09010/045001)

Applicants: Mathur, et al.  
Serial No.: 09/202,681  
Filed: December 23, 1999  
Page 2

Art Unit: 1652  
Examiner: R. Hutson

3.	<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge a total amount of \$215.00; which consists of \$160.00 for the Notice of Appeal fee; and \$55.00 for the One (1) Month Extension of Time, and any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A copy of this sheet is attached.
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December 14, 2001  
Date

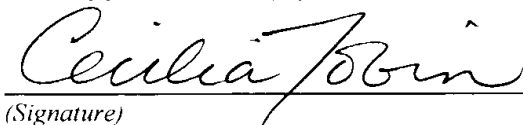
  
\_\_\_\_\_  
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**Customer Number 28213**

**CERTIFICATION UNDER 37 C.F.R. § 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date **December 14, 2001**, addressed to: Commissioner for Patents, Washington, D.C. 20231.

**Cecilia Tobin**  
\_\_\_\_\_  
(Name of person mailing paper)  
  
\_\_\_\_\_  
(Signature) **December 14, 2001**  
\_\_\_\_\_  
(Date)